

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows. Claim 1 has been amended in order to recite that there is from 10 to 60 wt.-% of the liquid fragrance or fragrance mixture which are dissolved in 90 to 40 wt.-% of a Markush Group of the solid or the solid mixture being selected from the group consisting of

- (a) one fatty alcohol or a mixture of two or more fatty alcohols alone;
- (b) a mixture of one or more fatty alcohol(s) with one or more fatty acid(s);
- (c) a mixture of one or more fatty alcohol(s) with one or more fatty acid(s) and fatty alcohol ethoxylate and polyethylene glycol;
- (d) a mixture of one or more fatty alcohol(s) with fatty alcohol ethoxylate; and
- (e) a mixture of one or more fatty alcohol(s) with polyethylene glycol.

Claims 2, 3, 4, and 5 were rewritten as independent claims, and should thus be allowable.

On Page 2 of the Office Action, the Patent Examiner has rejected claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite. The Patent Examiner alleges that claim 1 is confusing. This is due to whether, or not, both surfactants and fatty alcohols are required, or whether just one of these components is required for the claimed invention.

In response to this objection, claim 1 was amended as discussed above in order to recite a Markush group consisting of the solid or solid mixture of surfactants. For all these reasons, it is firmly believed that all the claims are now in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

On Pages 2 and 3 of the Office Action, the Patent Examiner has rejected claims 1, 6, and 8 under 35 U.S.C. 102(b) as being anticipated by *Wierenga et al* (U.S. Patent No. 5,002,681), and as being anticipated by *Young* (U.S. Patent No. 4,152,272).

Also on Pages 3 and 4 of the Office Action, the Patent Examiner has rejected claims 1, 6, and 7 under 35 U.S.C. 102(b) as being anticipated by *Banowski et al* (U.S. Patent No. 6,569,438), and as being anticipated by *Joshi* (U.S. Patent No. 4,017,574), and

as being anticipated by *Sawin et al* (U.S. Patent No. 5,916,546), and as being anticipated by *Suffis et al* (U.S. Patent No. 5,378,468).

These rejections are respectfully traversed.

It is an object of the present invention to provide solid substances which are on the one hand suitable as carrier materials for liquid perfumes and which are able to absorb the perfumes to a greater extent than was previously known from the state of the prior art. On the other hand, the solid substances of the present invention are surfactant materials which are soluble in water. The solid substances disclosed in the present application achieve these objects in an unexpected and superior manner because they are soluble and able to absorb up to 60 wt.-% perfume. Substances in the state of the prior art are mostly insoluble and absorb only up to 50 wt.-% perfume. This means that there is a difference in the proportion of carrying material to perfume of 20%.

The *Wierenga* U.S. Patent No. 5,002,681 in column 1, in lines 10 to 15, discloses fabric softener compositions which can be included with detergent in the washing of fabrics. The fabric softener survives the wash and releases softener to the fabrics in a heated laundry dryer.

Wierenga in column 2, in lines 35 to 50, further discloses detergent-compatible, through-the-wash, pouched, dryer-activated cationic fabric softener particles having diameters of from about 5,000 to about 30,000 microns and a melting point or dryer temperature viscosity of from about 8,000 cps to about 25,000 cps.

Thus, *Wierenga* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

The *Young U.S. Patent No. 4,152,272* in column 1, in lines 45 to 55, discloses a perfumed conditioning composition which comprises from 0.1% to 20% by weight of the composition of particles having an average particle size in the range from 0.1 to 200 microns and having a melting point in the range from 38°C. to 150°C. said particles comprising, by weight of the particles, (a) less than 95% and at least 25% of a carrier substance and (b) from 1% to 75% of a perfume, said particles being incorporated into a composition which contains a fabric-substantive cationic surfactant.

Thus, *Young* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients

with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

The *Banowski U.S. Patent No. 6,569,438* in column 1, in lines 5 to 10, discloses a cosmetic and dermatological preparation in the form of a stick for applying a composition dimensionally stable at ambient temperature and spreadable at body temperature to the skin, this composition comprising two or more gel phases of different composition.

Banowski, in column 1, in lines 46 to 56, further discloses a stick preparation of a composition which is dimensionally stable up to 40°C., can be spread onto the skin and melts at temperatures above 40°C. and which consists of two or more separate gel phases of different composition which contain monohydric or polyhydric alcohols, gelling agents, perfumes, cosmetic or dermatological principles and optionally water and galenic auxiliaries, a porous powder of spherical polymer particles being dispersed in one of the gel phases in a quantity of 0.1 to 10% by weight, based on that phase.

Thus, *Banowski* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

The *Joshi U.S. Patent No. 4,017,574* in column 2, in lines 27 to 40, discloses a method for making multicolored, striated variegated or marbleized soap bars. The method of *Joshi* includes the steps of supplying a colored material of dissolved, dispersed, or suspended coloring agent in a vehicle that is a sprayable, drippable or injectable liquid at temperatures above about 100°F and a solid below about 80°F., combining the colored material with a base soap material to form a multicolored soap mass; extruding the soap mass to form a multicolored billet, cutting the multicolored billet into bars and pressing the bars to a desired final shape. The term soap as used herein includes saponified fatty acids as well as synthetic detergents and combinations thereof.

Thus, *Joshi* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

The *Sawin U.S. Patent No. 5,916,546* in column 3, in lines 13 to 35 discloses a cosmetic stick deodorant composition comprising:

- (a) from about 0.5% to about 10.0% of the cosmetic stick deodorant composition of an astringent metal salt active;
- (b) a stable, anhydrous base component comprising:

- i. from about 5% to about 40% by weight of the cosmetic stick deodorant composition of a solidifying agent;
- ii. from about 20% to about 70% by weight of the solid cosmetic stick deodorant composition of volatile emollients;
- iii. from about 10% to about 50% of the solid cosmetic stick deodorant composition of non-volatile silicone and/or hydrocarbon emollients; and

(c) from about 0.05% to about 10% of the solid cosmetic stick deodorant composition of a surfactant material having a hydrophile-lipophile balance (HLB) value of greater than about 10.

Thus, *Sawin* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

The *Suffis U.S. Patent No. 5,378,468* in column 1, in lines 5 to 15, discloses compositions, particularly compositions for contacting the skin (for example, skin care compositions or personal care compositions), for producing fragrances. More particularly, *Suffis* relates to such compositions for contacting the skin, wherein the fragrance is formed (e.g., is released from a compound forming a component of the composition) after application

of the composition to the skin (that is, body activated fragrances).

Thus, *Suffis* fails to teach or to suggest the claimed method for the production of a solid fragrance concentrate comprising producing a final product having the claimed ranges of ingredients with up to 60 percent of liquid fragrances and with the solid surfactants being selected from the Markush group of claim 1.

For all of the above reasons, claims 2 to 5 are also patentable over all the prior art. Withdrawal of these grounds of rejection under 35 U.S.C. 102 and 35 U.S.C. 103 is respectfully requested.

Because there are now a total of 5 independent claims, enclosed is a check in the amount of (5-3) or 2 X \$105.00 equal to \$210.00 for a Small Entity in payment thereof adding extra claims.

For all of the above reasons, none of the prior art references provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103 over all the prior art of record.

Also enclosed is a Supplemental Information Disclosure Statement.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,
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Enclosures: 1. Check for \$210.00 for adding extra independent claims (Small Entity)
2. Supplemental IDS

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, Alexandria, VA, on March 13, 2008.



Amy Klein